

## **REMARKS/ARGUMENTS**

Reconsideration of this application is requested. Claims 1-24 are in the case.

### **I. THE INTERVIEW**

At the outset, the undersign wishes to thank the Examiner (Mr. Stewart) for kindly agreeing to conducting a personal interview in this application. The interview was held on October 6, 2005 and the courtesies extended by the Examiner were most appreciated. The substance of the interview will be clear from the comments presented below.

### **II. ELECTION/RESTRICTION**

The election of Group I and Species III is hereby affirmed. It is requested that the claims currently withdrawn from consideration be rejoined once an allowable generic claim is present in the case.

### **III. THE ANTICIPATION REJECTION**

Claims 1-3, 5, 6 and 8 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent 4,728,332 to Albrektsson. That rejection is respectfully traversed.

As noted in the Interview Summary Record, agreement was reached with respect to a proposed claim amendment which was discussed during the interview. Thus, the invention as claimed is directed to a prosthesis for implantation in the knee joint. The prosthesis comprises a tibial component having an anterior and a posterior end, and a

first major upper surface and a second major lower surface opposite the first surface for attachment to the tibia. The first surface includes a lateral bearing plateau region and a medial bearing plateau region. The respective angles of inclination in the antero-posterior direction of the lateral and medial plateau regions of the first surface with respect to the second surface are dissimilar, and respective planes fitted to the lateral and medial plateau regions are inclined to each other between the anterior and posterior ends.

Agreement was reached during the interview that the invention as now claimed is not anticipated by Albrektsson. In Albrektsson, for example in Figure 2, the lateral and medial plateau regions are not inclined to each other between the anterior and posterior ends, as required by the presently claimed invention. Withdrawal of the outstanding anticipation rejection based on Albrektsson is accordingly respectfully requested.

Claims 1-3 and 5 stand rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent 6,190,415 to Cooke et al. In response, and as agreed during the interview, Cooke does not anticipate the invention as now claimed as there is no disclosure of lateral and medial plateau regions inclined to each other between the anterior and posterior ends. Withdrawal of the anticipation rejection based on Cooke is accordingly respectfully requested.

#### **IV. THE ANTICIPATION REJECTION**

Claim 7 stands rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Albrektsson. Claim 7 is dependent on claim 1 which is not anticipated (or suggested) by

Albrektsson. Withdrawal of the outstanding obviousness rejection of claim 7 is accordingly respectfully requested.

**V. ALLOWABLE SUBJECT MATTER**

It is noted, with appreciation, that claims 4, 11 and 14 are directed to allowable subject matter. With the arguments and amendments presented with this response, it is believed that all of the claims in this application are in allowable condition. Early notice to that effect is respectfully requested.

**VI. SPECIFICATION**

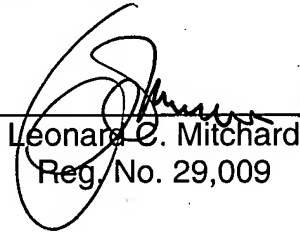
The specification has been amended to include customary headings including a brief description of the drawings. No new matter is entered.

Favorable action on this application is awaited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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